

### **Remarks**

Claims 1 – 14 are pending in this application. Claims 1, 7 and 13 are independent.

In the present response, the claims are not amended.

### **Objection under 35 USC 132(a)**

The Office objected to the amendment filed on August 31, 2009 under 35 USC 132(a), alleging that the amendment introduced new matter into the disclosure. Specifically the Office alleged that there is no support of “the video channel provides both downlink and uplink capability” in the specification. Applicants respectfully traverse.

Applicants’ specification, page 2, lines 6 – 9, recites:

*“Since both the mobile-to-AP uplink path and the AP-to-mobile downlink path share the same fixed radio frequency bandwidth, maintaining the video channel in a one-way broadcast-only mode enables the use of conventional wireless LAN technology to transmit video to wireless LAN subscribers at the maximum permissible downlink transmission rate.”*  
(Emphasis added)

Applicants submit that the above passage discloses that both the mobile-to-AP uplink path and the AP-to-mobile downlink path share the same fixed radio frequency bandwidth, therefore, the specification clearly supports that the video channel provides both downlink and uplink capability.

Withdrawal of the objection under 35 USC 132(a) is respectfully requested.

### **Rejection of claims 1, 7 and 13 under 35 USC 112**

The Office rejected claims 1, 7 and 13 under 35 USC 112, second paragraph, alleging that the claims are omnibus type claims. Specifically the Office alleged that the claim citations “*the video channel provides both downlink and uplink capability*” and “*maintaining the video channel in a one-way broadcast-only mode at least while the video channel carries video, thereby precluding a subscriber from uplinking information on the video channel*” contradict each other or fail to point out what is included or excluded by the claim language. Applicants respectfully traverse.

Applicants submit that the two citations do not contradict each other because providing both uplink and downlink capacity does not preclude the possibility of maintaining the video channel in a one-way broadcast-only mode, since having both uplink and downlink capacity does not imply that both the uplink and downlink must be utilized simultaneously at all times. That is, although the video channel is capable of both uplink and downlink communications, the claimed invention requires that the video channel be maintained in a one-way broadcast-only mode at least while the video channel carries video. Applicants further submit that the claim language clearly points out what is included or excluded, and under what circumstances, because the video channel is maintained in a one-way broadcast-only mode at least while the video channel carries video. In other words, at least while the video channel carries video, only the downlink may be used; otherwise, both the downlink and uplink may be used. Therefore, claims 1, 7 and 13 are not omnibus type claims.

Withdrawal of the rejection of claims 1, 7 and 13 under 35 USC 112, second paragraph is respectfully requested.

**Rejection of claims 1, 5 – 8, 13 and 14 under 35 USC 103(a) over Aaltonen et al. (US 7,236,771, hereinafter, “Aaltonen”) in view of Sibley (US 2001/0053700, hereinafter, “Sibley”)**

Applicants submit that for at least the following reasons, claims 1, 5 – 8, 13 and 14 are patentable over Aaltonen and Sibley, either singly or in combination.

For example, claim 1, recites, in part:

*“broadcasting the video on a video channel having an RF carrier frequency different from a carrier frequency of a wireless data channel over which data is transmitted to and from an access point, wherein the video channel provides both downlink and uplink capability;”* (Emphasis added)

Thus, the claimed invention requires that the video channel used for broadcasting the video provide both downlink and uplink capability.

In the Office Action, page 3, Response to Arguments section, the Office alleged that Sibley teaches downlink and uplink video channel (Figs. 12 and 13) in which video broadcasting station 214 transmits video uplink channel to satellite 218 and satellite 218 transmit video downlink

channel to base station 220 and rebroadcast to locally located users 232. Applicants respectfully disagree that Sibley teaches a video channel that provides both downlink and uplink capability.

Applicants submit that the satellite 218 in Sibley only acts as an intermediary for the downlink transmission from broadcast station 214 to base station 220. Applicants submit that a skilled person would understand clearly that the transmission from broadcast station 214 to satellite 218 is not an uplink transmission but rather part of the downlink transmission. Although satellite 218 is physically up above broadcast station 214 and base station 220, a skilled person would understand that the terms “uplink” and “downlink” do not refer to the relative height between physical locations. Furthermore, the transmission from broadcast station 214 via satellite 218 to base station 220 is clearly one-way. Sibley does not teach or suggest that base station 220 can transmit in the reverse direction (uplink transmission) to broadcast station 214 via the satellite channel. Therefore, Sibley fails to teach or suggest the above claimed feature.

Aaltonen, FIG. 1, teaches that video signals are broadcasted by transmitters 11a, 11b and 11c. However, these transmitters are broadcast transmitters, and nothing in Aaltonen teaches or suggests that the video broadcast channel has any uplink capability for use by the terminal 3.

Instead, Aaltonen specifically teaches that a return channel 23 is required for terminal 3 to send content requests (Aaltonen, col. 3, line 60 – col. 4, line 5), clearly indicating that the video broadcast channel for transmitters 11a, 11b and 11c does not have any uplink access capability. Therefore, Aaltonen fails to teach or suggest the above claimed feature of Applicants' claim 1.

Since neither Aaltonen nor Sibley discloses that the video channel provides both uplink and downlink capability, the combined teaching of Aaltonen and Sibley would not teach or suggest the above claimed feature of Applicants' claim 1. Thus, claim 1 is patentable over Aaltonen and Sibley, either singly or in combination.

Therefore, Applicants respectfully submit that a prima facie case of obviousness has not been shown, and thus, request the withdrawal of the rejection of claim 1 under 35 U.S.C. 103(a).

Independent claim 7, recites, in part:

*“a video broadcast network for broadcasting the video from the encoder on a video channel having a frequency different from a wireless data channel over*

*which data is broadcast from an access point, wherein the video channel provides both downlink and uplink capability;*" (emphasis added)

Independent claim 13, recites, in part:

*"initiating selection of a video Local Area Network (LAN) upon user actuation of the device, wherein the video LAN provides both downlink and uplink capability;"* (emphasis added)

Since both claims 7 and 13 contain similar distinguishing features as in claim 1, for at least the same reasons set forth above, claims 7 and 13 are also patentable over Aaltonen and Sibley.

With respect to independent claim 13, there is also no showing in the Office Action that Aaltonen or Sibley teaches the claimed features of "initiating selection of a video local area network upon user activation of the device," and/or "detecting transmission of the video broadcast from the video LAN without trying to uplink traffic to the video LAN." The combination of references fails to suggest such features, nor does the Office action point out where the features are shown. Thus, for this additional reason, claim 13 is not obvious over Aaltonen and Sibley.

Claims 5, 6, 8 and 14 respectively depend from and inherit all the respective features of claims 1, 7 and 13. Thus, claims 5, 6, 8 and 14 are patentable for at least the same reasons set forth above in connection with claims 1, 7 and 13.

**Rejection of claims 2 – 4 and 9 – 12 under 35 U.S.C. §103(a) as being unpatentable over Aaltonen in view of Sibley and in further view of Benveniste (US patent application 2003/0174690, hereinafter, "Benveniste").**

Claims 2 – 4 and 9 – 12 depend from claims 1 and 7 respectively. Since there is no showing that Benveniste teaches the features missing in Aaltonen and Sibley as discussed above in connection with claims 1 and 7, these dependent claims are also patentable for at least the reasons cited above with respect to their corresponding independent claims.

Withdrawal of the rejection of claims 1 – 14 under 35 USC 103(a) is respectfully requested.

**Conclusion**

In view of the foregoing remarks, Applicants solicit entry of this response and allowance of the claims. If, however, the Examiner believes such action cannot be taken, the Examiner is invited to contact the Applicants' attorney at (609) 734-6834, so that a mutually convenient date and time for a telephonic interview may be scheduled.

Respectfully submitted,  
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Date

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